

84-0722

DD FORM 1300-10
File Legal

27 FEB 1974

MEMORANDUM FOR: Legislative Counsel

ATTENTION : Mr.

SUBJECT : H.R. 12471, A Bill to Amend Section 552
of Title 5, U.S. Code, known as the
Freedom of Information Act

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1. Pursuant to your verbal request of 22 February 1974, we have reviewed the proposed legislation and have the following comments:

a. At the present time, the Freedom of Information Act specifically exempts, among other things, classified material. This Bill, while not changing that exemption, would permit the courts to examine, in camera, the classified material in question to determine whether it is properly classified.

b. We believe that, at the very least, classified information which would disclose intelligence sources and methods should not be subject to a court review for what would be, in fact, a declassification decision. In fact, it would be better if all classified information would continue to be exempt.

c. Like at least one previous bill, Subject Bill contains an error in that in one part it would subject classified material to review and in a later part it exempts it from the provisions of the entire section including that of court review.

2. Please advise if we can be of further assistance in this matter.

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Howard J. Osborn
Director of Security

cc: EO-DD/M&S